

Date of decision: 8-7-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.K. KESHOTE, J
(8-7-1996)

Mr. Manoj N. Popat for the petitioner.
Mr. N. N. Pandya for the respondent.

ORAL JUDGMENT:

Heard the learned counsel for the parties.

Challenge is made by the petitioner to the order dated 16-8-1983 (annexure-A) under which he was not allowed to cross Efficiency Bar (E.B.) with effect from 1-12-1982. The only contention raised by the learned counsel for the petitioner is that while considering the case of the petitioner for allowing him to cross E.B. with effect from 1-12-1982 the respondent has taken into consideration the record of 1982-83 only and not the record of earlier years.

2. Reply to the special civil application has not been filed. Mr. Pandya, learned counsel for the respondent, concedes that three years' record has to be considered. Mr. Pandya is unable to give reply to the contention that only record of the year 1982-83 is considered. If it is so, there is an error apparent on the face of the order impugned in this petition.

3. In the result the special civil application is disposed of with the direction to the respondent to consider the matter of allowing the petitioner to cross E.B. with effect from 1-12-1982 in accordance with law, after taking into consideration the permissible service record. Appropriate order may be passed by the respondent within a period of four months from the date of service of copy of this order. In case the petitioner is not allowed to cross E.B. from 1-12-1982, it is expected of the respondent to

pass a reasoned order and send copy thereof to the petitioner by registered post. Rule made absolute in the aforesaid terms. No order as to costs.